IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No. 3565 of 2006
Date of Decision: 9.2.2007

Harchand Singh ...Petitioner

Versus

Balbir Singh and others ....Respondents

Coram: Hon'ble Mr. Justice Hemant Gupta.

Present: Shri O.P. Kamboj, Advocate, for the petitioner.

Shri Parveen Kataria, Advocate, for respondent No. 2.

Ms. G.K. Hindal, Advocate, for respondent No.5.

HEMANT GUPTA, J.

The challenge in the present revision petition is to the order dated 28.3.2006 passed by the learned trial Court, whereby evidence of defendant Nos. 3 and 4, was closed by an order.

It has been found by the learned trial Court that defendant Nos. 3 and 4 have availed six opportunities but still not concluded their evidence. Learned counsel for the petitioner states that if one opportunity is granted, the petitioner shall conclude its entire evidence. It is further stated that the petitioner shall compensate the plaintiffs for delay in leading his evidence.

In view of the above undertaking given by the learned counsel for the petitioner, defendant Nos. 3 and 4 are permitted to lead their entire evidence on the date fixed which may be fixed by the learned trial Court on 22.2.2007, subject to payment of Rs.5000/- as costs.

Such costs shall be paid to the plaintiffs before the learned trial Court on 22.2.2007. Thereafter, the Court shall fix an appropriate date of not less than three weeks for the evidence of defendant Nos. 3 and 4. If the said defendants fail to conclude their evidence on the date so fixed, the learned trial Court shall proceed with the decision of the case on merits.

Civil revision stands allowed in the above terms.

09-02-2007 (HEMANT GUPTA)
ds JUDGE